REMARKS

The Examiner imposed a restriction requirement and/or election as follows:

Group I. Claims 1-5, 10-12 and 15-27, drawn to the special technical feature of a method for treating a patient with cancer in which TCF/β catenin signaling is deregulated comprising administering a therapeutic composition to said patient comprising an inhibitor of the expressed protein or peptide therefrom, of a TCF target gene whose expression is regulated by a TCF/β catenin complex.

Group II. Claims 6-12 and 15-27, drawn to the special technical feature of a method for treating a patient with cancer in which TCF/β catenin signaling is deregulated comprising administering a therapeutic composition to said patient comprising an inhibitor of the mRNA transcript of a target gene whose expression is regulated by a TCF/β catenin complex.

Group III. Claims 14-27, drawn to the special technical feature of a method for diagnosing a patient with cancer in which TCF/β catenin signaling is deregulated wherein the diagnosis is by histological analysis of a tissue specimen using (i) a specific antibody directed against a target gene produce and/or (ii) *in situ* hybridization analysis of a TCF/β catenin target gene expression level in tissue specimens using specific RNA probes directed against the TCF/β catenin target gene sequence.

Group IV. Claims 28-32, 36-48, 51 and 53, drawn to the special technical feature of an inhibitor compound directed against the expressed proteins, or peptides derived therefrom, of a TCF target gene the expression of which is regulated by a TCF/β catenin complex; and a therapeutic composition for the treatment of cancer in which the TCF/β catenin signaling is deregulated comprising a suitable excipient, carrier, and/or diluent, and one or more of the inhibitor compounds of claim 28.

Group V. Claims 33-48, 51 and 53, drawn to the special technical feature of an inhibitor compound directed against the transcription product (mRNA) of a TCF target gene the expression of which is regulated by TCF/β catenin complex; a therapeutic composition for the treatment of cancer in which the TCF/β catenin signaling is deregulated comprising a suitable excipient, carrier, and/or diluent, and one or more of the inhibitor compounds of claim 33.

Group VI. Claims 49, 50, 52 and 53, drawn to the special technical feature of a diagnostic agent for diagnosing cancers in which TCF/β catenin signaling is deregulated.

Group VII. Claims 54 and 55, drawn to the special technical feature of a method for the development of therapeutic inhibitor compounds as claimed in claim 28 or 33.

Election in Response to Restriction

Pursuant to 37 C.F.R. § 1.142, Applicants hereby elect Group VII (claims 54 and 55) without traverse. Claims 1-12 and 14-53 are therefore withdrawn as being directed to non-elected subject matter pursuant to 37 C.F.R. § 1.142(b).

In addition, Applicants elect the species of target gene GPR49 and the species of inhibitor compound that inhibits proteins or peptides derived therefrom as recited in claim 28 for prosecution. Claims 54 and 55 read on the elected subject matter.

Applicants reserve the right to petition for rejoinder under 37 C.F.R. § 1.144 should a search of the group elected fail to reveal prior art related to the subject matter of the claims.

Applicants further reserve the right to rejoinder of restricted claims, such as product and method of use claims, under M.P.E.P. § 821.04.

Applicants also reserve the right pursuant to 35 U.S.C. § 121 to file one or more divisional applications directed to the non-elected subject matter during the pendency of the present application.

If the Examiner determines that prosecution of the instant application would benefit from a telephone interview, the Examiner is invited to call the undersigned attorney at (415) 442-1255.

Respectfully submitted,

Dated: June 29, 2009 By: _____
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